

Feb 25 04 11:03a

Lynn Kitchen

(210) 691-2041

P. 1

**AEI**

A WBE-HUB Firm

**ADAMS ENVIRONMENTAL, INC.**12403 Nacogdoches Road, Suite 106  
San Antonio, Texas 78217[www.adamsenvironmental.com](http://www.adamsenvironmental.com)#E1-640  
R2

February 24, 2004

Ms. Rini Ghosh  
Surface Transportation Board  
Case Control Unit  
1925 K Street NW  
Washington, D.C. 20423-001received  
2/25/04**RE: STB Finance Docket # 34284**  
**Comments on the Scoping for the SGR EIS in Medina County**

Dear Ms. Ghosh:

Thank you for sending me the Notice of Intent to Prepare an Environmental Impact Statement (EIS) for the Southwest Gulf Railroad Company's proposed construction and operation of a seven-mile rail line in Medina County, Texas. I am very disappointed that STB did not feel that a few public workshops would be helpful for the EIS process. I have been working with the Medina County Environmental Action Association (MCEAA) for a while now and have a real good perception of the needs of the impacted individuals in Medina County. Public workshops would not only have given STB an opportunity to improve their public image in Medina County, but would have ensured a better public understanding of the process and the issues to be addressed by the EIS. I disagree with the notion that STB has put forth a concerted public outreach program. One public meeting where citizens were not allowed to voice their opinions in a open forum is not a comprehensive public relations program.

I do appreciate the opportunity to comment on the draft scope document and have included my comments in this letter. The scoping document was fairly thorough, but seemed a bit general. I would have liked to see a little more specificity in exactly what types of issues are going to be addressed. However, I am going to assume that you will be addressing the specific issues that have been brought to your attention by letters and comments from the past notices associated with the EA. I am not going to dwell on any of the issues that I have addressed in the past on the assumption that you will address those in your EIS.

I do not feel that the current scope includes a fair comparison of alternative actions. Throughout the scoping document, almost every section begins with the statement that the issue will be addressed with respect to the proposed action and no reference to the alternative actions. All alternatives should be equally addressed in the EIS. Some can be described and removed from analyses for well-founded reasons, which must be stated in the EIS. However, reasonable and viable alternatives must be analyzed and compared to the proposed action at the same level of effort as the proposed action. Otherwise a fair comparison is not possible and the EIS is not valid. I might point out that several people in the county have suggested alternatives for the railroad that have not been considered to date. I recommend that these alternatives be carefully

210-691-2221 (Office)  
210-317-7267 (Mobile)210-691-2041 (Fax)  
[lkitchen@adamsenvironmental.com](mailto:lkitchen@adamsenvironmental.com)

Feb 25 04 11:03a

Lynn Kitchen

(210) 691-2041

p. 2

Rini Ghosh  
February 25, 2004  
Page 2 of 3

considered in the EIS. MCEAA will be thoroughly reviewing the document for proper analyses and comparison of alternatives when the draft EIS is made available.

The exact location of the proposed action and the alternatives should be released to the public at this time. Landowners should be provided with this information to allow them to determine if the EIS fairly addresses impacts to their land and agricultural operations. Exact routes need to be made now. Changes in alignments can be made as part of mitigation, but for the need for mitigation to be analyzed, the locations must be set and released for public review. The routes should be provided in GIS format to allow the public to critique the routes and impacts to the environment. I recommend that the alternatives be staked and flagged in the field to assist public review of the routes. Again, this could save a great deal of time in the EIS process if the citizens are given good information up front.

The EIS must include at a minimum the proposed action, the three alternative routes, a trucking only alternative, and a no action alternative. The no action alternative must be no quarry and no railroad and no trucks. Again, this allows for fair comparison of the proposed action to no impacts by the action. In addition to these actions, the following actions should also be considered due to their inclusion as part of the proposed action:

- Compare at grade crossings to grade separated crossings for all state and county roads crossed by the railroad.
- Compare trestles to wide span bridges with respect to flooding and other surface water issues
- Compare railroad with 15% trucking to railroad alone.

One of the most important issues that should be addressed is the fact that the quarry should be included in the EIS. The regulations under the CEQ clearly state that actions connected to the proposed action should be included in the EIS analyses. Listed below are the CEQ regulations concerning this issue:

***Scope consists of the range of actions, alternatives, and impacts to be considered in an environmental impact statement. The scope of an individual statement may depend on its relationships to other statements (Secs. 1502.20 and 1508.28). To determine the scope of environmental impact statements, agencies shall consider 3 types of actions, 3 types of alternatives, and 3 types of impacts. They include:***

- 1. Connected actions, which means that they are closely related and therefore should be discussed in the same impact statement. Actions are connected if they:***
  - (i) Automatically trigger other actions which may require environmental impact statements.***
  - (ii) Cannot or will not proceed unless other actions are taken previously or simultaneously.***
  - (iii) Are interdependent parts of a larger action and depend on the larger action for their justification.***

Without question, the railroad is intrinsically connected to the quarry. There is no other reason for the railroad to be constructed except for the quarry. No other industry is in the area that requires rail. By the rule listed above, the construction of the railroad is solely for the

Feb 25 04 11:04a

Lynn Kitchen

(210) 691-2041

p.3

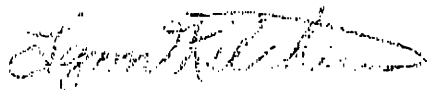
Rini Ghosh  
February 25, 2004  
Page 3 of 3

construction of the quarry and the two cannot be separated. Therefore, they are connected actions and both should be addressed in the EIS.

Last, I am concerned that the scope does not include careful analyses of impacts to floodplains. The rail crosses flood plains several times and each crossing has potential for increasing the size of the floodplain. Trestles and bridges tend to become clogged with debris during floods. This slows down flood flows causing increased flooding upstream. This should be addressed for each and every alternative. A preliminary HEC analyses should be included for proper comparison of the alternative and potential impacts to floodplains.

Again, I direct you to the previous letters sent by myself and others that addressed many issues of interest for this EIS. These issues have already been discussed, are part of the public record, and I assume that you will address them. I sincerely appreciate your consideration of these comments and look forward to seeing the final scoping document and draft EIS.

Very truly yours,



Lynn M. Kitchen, Ph.D.  
Principal Scientist

Copy: U.S. Senator John Cornyn  
U.S. Rep. 23 District Henry Bonilla  
Texas Senator Frank Madia  
Texas Rep. Timoteo Garza  
Robert Fitzgerald, President MCEAA  
David Barton, Gardner Law Firm